

REMARKS

A. ALLOWABLE SUBJECT MATTER

Applicants wish to thank the Examiner for indicating that the subject matter of claims 1-5 and 10-15 is allowable and the subject matter of claims 7 and 8 would be allowable if rewritten in independent form. Applicants respectfully submit that claims 7 and 8 are allowable, however, in their present form.

B. THE SECTION §102 REJECTIONS OF CLAIMS 6 AND 9

Claims 6 and 9 were rejected under 35 U.S.C. §102(e) based on Chen et al. ("Chen"). For at least the reasons set forth below, the Applicants respectfully disagree and traverse these rejections.

Because claim 9 (as well as claims 7 and 8) depends on independent claim 6, the Applicants will direct their remarks to claim 6 with the understanding that these remarks apply equally to claim 9 (as well as claims 7 and 8).

Claim 6 is directed at a method for use in a wireless network element, including the formatting of data into a data frame where the so-formatted frame comprises a header portion, a payload portion and a quality of service (QoS) field associated with the payload portion. Thereafter, the formatted frame may be transmitted to another node of a wireless network. In

accordance with claim 6 each formatted frame includes a QoS field that is associated with a payload of the frame.

In contrast, Chen does not appear to disclose or suggest the inclusion of a QoS field within the same frame as a payload portion. Instead, QoS requirements appear to be exchanged between a transmitter and receiver using separate “PATH” and “RESV” type messages based on the Internet Engineering Task Force (IETF) RFC 2205, Research Reservation Protocol Document. These messages appear to be sent prior to the sending of any actual payloads containing data. (See for example Chen, column 1, lines 28-46). Accordingly, because Chen does not appear to disclose or suggest the inclusion of a QoS field associated with a payload portion within the same frame as the payload, the Applicants respectfully submit that Chen cannot anticipate claims 6-9 under §102(e). The Applicants respectfully request withdrawal of the pending rejections and allowance of claims 6-9.

C. ENTRY OF REQUEST FOR RECONSIDERATION

Entry of this Request for Reconsideration (“Request”) is solicited because the Request: (a) places the application in condition for allowance for the reasons discussed herein; (b) does not raise any new issues regarding further search and/or consideration; (c) does not present any additional claims without canceling the corresponding number of finally rejected claims; and (d) places the application in better form for appeal, if an appeal is necessary.

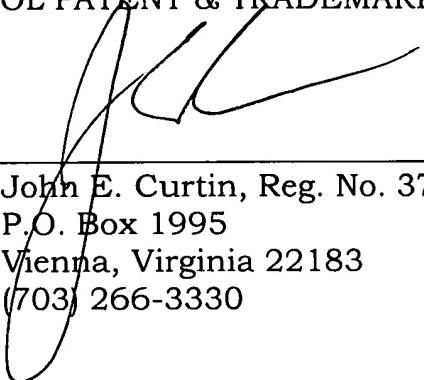
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3777 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

CAPITOL PATENT & TRADEMARK LAW FIRM, PLLC.

By _____


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